

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEVEN J. VANGSNESS,)	
)	
Plaintiff,)	8:07CV205
)	
v.)	
)	
SCHWAN'S SALES ENTERPRISES,)	ORDER NUNC PRO TUNC
INC.,)	
)	
Defendant.)	
_____)	

This matter is before the court on the defendant's motion to dismiss (Filing No. 5) and plaintiff's motion to remand (Filing No. 11). The plaintiff has amended his complaint. See Filing No. 26. In his Amended Complaint, plaintiff alleges breach of contract, wrongful termination, age discrimination and defamation. Defendant's motion to dismiss was directed at the original complaint and plaintiff's motion to remand was based on his alleged failure to allege the minimum jurisdictional amount in the original complaint. The filing of the Amended Complaint renders both the motion to dismiss and the motion to remand moot. Accordingly,

IT IS ORDERED:

1. Defendant's motion to dismiss (Filing No. 5) is denied as moot, without prejudice to refiling with respect to the Amended Complaint.

2. Plaintiff's motion to remand (Filing No. 11) is denied as moot, without prejudice to refiling with respect to the Amended Complaint.

DATED this 20th day of July, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge